

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

*

Plaintiff,

*

V.

*

CASE NO. 2:06-CR-271-WKW

*

COREY HARVEY, ET AL.

*

Defendants.

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OBJECTION TO RECOMMENDATION OF THE MAGISTRATE JUDGE

Defendant Corey Harvey objects to the Recommendation of the Magistrate Judge as to Defendant Harvey's Motion to Dismiss upon Speedy Trial grounds as follows:

1. The Recommendation fails to consider that the Motion to Dismiss by Defendant Harvey in Case No. 2:05-CR-267-T was filed because of misconduct by the government to conceal police misconduct in the investigation of the case, specifically as to the affidavit for search warrant which the government failed to produce. The government failed to meet court-ordered deadlines for production.

2. At suppression hearing in the pending cause, it was demonstrated that the affiant for the search warrant contained at least two critical allegations, both of which were false and at least one of those two false allegations was an intentional falsehood designed to illegally search a residence.

3. The government dismissed the prior case to conceal that fact and deny Defendant Harvey a speedy trial, providing the government an opportunity to attempt to gather evidence to compensate for evidence that would be lost in a suppression hearing.

4. The dismissal by the government was a ruse to deny the Defendant a speedy trial and this cause should be dismissed. U.S. v. Addush-Shakur, 465 F.3d 458 (10th Cir.2006).

s/Bruce Maddox
Bruce Maddox (MAD013)

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to appropriate parties.

s/Bruce Maddox
Of Counsel